

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



January 10, 2011

Robert Keyes, Building Official
Economic and Community Development Dept.
City of Azusa
213 East Foothill Blvd.
Azusa, CA 91702-1395

Dear Mr. Keyes:

This letter is to acknowledge receipt on December 8, 2010 of the City of Azusa submittal pertaining to Ordinance NO. 10-07 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Jane Taylor
Senior Architect

cc: Chron
Local Filings



The Canyon City — Gateway to the American Dream

December 2, 2010

Mr. David Walls, Executive Director
California Building Standards Commission
2525 Natomas Park Dr., Suite 120
Sacramento, California 95833

RE: City of Azusa Building Ordinance

Dear Mr. Walls:

The City of Azusa has adopted the current Building, Electrical, Mechanical, and Plumbing Codes of the State of California.


The City of Azusa has recommended changes and modifications to the Codes and have advised that certain said changes and modifications to the 2010 Editions of the California Building, Electrical, Mechanical, and Plumbing Codes are reasonably necessary due to local climatic, geological or topographical conditions in the City of Azusa, and have further advised that the remainder of said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the California Building Standards Code or are reasonably necessary to safeguard life and property within the City of Azusa.

I am hereby transmitting one certified copy of the City Ordinance which amends the Codes, including the findings justifying the amendments expressly marked and identified to which amendment each finding refers.

Please provide confirmation that such materials have been received and filed by your office. The local amendments were adopted by the Azusa City Council on November 15, 2010, and will take effect January 1, 2011.

If additional information is desired please telephone this office at (626) 812-5293.

Sincerely,


Robert Keyes
Building Official

Attachments: City of Azusa Ordinance No.10-07

2010 DEC -8 P 4:15
CALIFORNIA BUILDING
STANDARDS COMMISSION

ORDINANCE NO.10-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA AMENDING CHAPTER 14 OF THE AZUSA MUNICIPAL CODE, BY AMENDING SECTIONS 14-1, 14-4, 14-51, 14-53, 14-55, 15-57, 14-62, 14-64, 14-201 and 14-202; ADDING SECTION 14-69, AND DELETING SECTIONS 14-58, 14-59, 14-60, 14-61, 14-63, 14-65, 14-66, 14-67 AND 14-68; AND ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), INCLUDING THE CALIFORNIA BUILDING CODE VOLUMES 1 & 2 INCLUDING APPENDIX J (2010 EDITION, INCORPORATING AND AMENDING THE 2009 INTERNATIONAL BUILDING CODE); THE CALIFORNIA RESIDENTIAL CODE (2010 EDITION, INCORPORATING AND AMENDING THE 2009 INTERNATIONAL RESIDENTIAL CODE); THE CALIFORNIA GREEN BUILDING STANDARDS CODE (2010 EDITION); THE CALIFORNIA MECHANICAL CODE (2010 EDITION, INCORPORATING AND AMENDING THE 2009 UNIFORM MECHANICAL CODE); THE CALIFORNIA PLUMBING CODE (2010 EDITION, INCORPORATING AND AMENDING THE 2009 UNIFORM PLUMBING CODE); THE CALIFORNIA ELECTRICAL CODE (2010 EDITION, INCORPORATING AND AMENDING THE 2008 NATIONAL ELECTRICAL CODE); THE CALIFORNIA EXISTING BUILDING CODE (2010 EDITION), TOGETHER WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO; AND ADOPTING BY REFERENCE THE UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE (2009 EDITION), AND THE UNIFORM HOUSING CODE CHAPTERS 4,5,6 AND SECTIONS 701.2 AND 701.3 (1997 EDITION).

WHEREAS, Government Code Section 50022, *et seq.* and California Health & Safety Code Section 17922 empower the City of Azusa ("City") to adopt by reference the California Building Standards Code as provided in Title 24 of the California Code of Regulations, adopting various model codes, including the 2009 International Building Code ("IBC"), 2009 Uniform Mechanical Code ("UMC"), 2009 Uniform Plumbing Code ("UPC"), 2008 National Electrical Code ("NEC"), 2009 International Existing Building Code ("IEBC"), and other model codes, including, without limitation, the 2009 Uniform Swimming Pool, Spa and Hot Tub Code; and

WHEREAS, the City previously adopted by reference various model codes, including the 2006 International Building Code, 2006 Uniform Mechanical Code, 2006 Uniform Plumbing Code, 2005 National Electrical Code, 2006 Uniform Housing and 2006 Uniform Swimming Pool, Spa and Hot Tub Code subject to particular additions, amendments and deletions set forth in the Ordinances adopting such codes, and codified in Azusa Municipal Code Sections 14-1, 14-51, 14-91, 14-111, 14-150, 14-201, and 14-205; and

WHEREAS, the publishers of the international and uniform codes recently published updated editions of such codes, and the California Building Standards Commission ("Commission") adopted such codes and has established January 1, 2011 as the effective date of the most recent edition of the California Building Standards Code; and

WHEREAS, California Health & Safety Code, Section 17958.5 and 18941.5 authorize cities and counties to modify the California Building Standards Code by adopting more restrictive standards and modifications if such standards and modifications are accompanied by express findings that they are reasonably necessary because of local climatic, geological or topographical conditions, and

WHEREAS, the City Council of the City of Azusa ("City Council") finds that these local climatic, geological or topographical conditions include, but are not limited to, the following:

1. The City is subject to relatively low amounts of precipitation, very low humidity levels and extremely high temperatures. These climatic conditions are conducive to the spread of drought conditions and fires. For example, during July, August and September, temperatures often exceed 100 degrees Fahrenheit. During the same months humidity is usually less than 40% and measurements of less than 10% are not uncommon; and

2. The warm, dry climate is conducive to swimming pools which creates a higher probability of child drownings where pools are unprotected.

WHEREAS, the aforementioned geologic and climatic conditions have also contributed to the loss or damage of, 262 homes in the Anaheim fire of 1982, 71 homes in Baldwin Hills fire of 1985, 33 homes in the Porter Ranch fire of 1988, 162 homes in the Santa Barbara fire of 1990, 3300 homes in the Oakland fire of 1991, 2,232 homes in the Cedar fire of 2003, and most recently, 1500 homes in the Southern California wildfires of 2007; and

WHEREAS, these fires have resulted in the tragic loss of lives along with enormous property losses; and

WHEREAS, based upon the recommendations of the Building Official, the City Council finds that the proposed amendments to the California Building Standards Code and model codes ("amendments"), as set forth herein, are more restrictive than the standards adopted by the California Building Standards Commission, would decrease the potential incidence of property damage, injury and death due to fires, and are reasonably necessary to mitigate the aforementioned local climatic, geologic or topographical condition.

Specifically:

1. The amendments to Sections 1505, Table 1505.1, 1507.2.9.5 of the California Building Code and Section R902.1.3 of the California Residential Code will provide a higher level of fire protection to roofs than required by the 2010 California Building Standards Code. These modifications will decrease the potential incidence of property damage, injury and death due to fires and are reasonably necessary to mitigate the aforementioned local climatic conditions which make the City more vulnerable to fires, as described in the recitals above.

2. The amendments to Sections 3109.4.4, 3409.4.4.1, 3109.4.4.2 of the California Building code will decrease the potential incidence of injury or death due to pool drownings, and are reasonably necessary to mitigate the aforementioned local climatic condition.

THE CITY COUNCIL OF THE CITY OF AZUSA DOES ORDAIN AS FOLLOWS:

SECTION 1. The Recitals contained in this ordinance are hereby adopted as Findings of Fact by the City Council, as if fully set forth herein.

SECTION 2. Section 14-1 of the Azusa Municipal Code is hereby amended in its entirety to read as follows:

"Sec 14-1 Codes Adopted.

The City adopts by reference and makes part of this Chapter by reference, subject to those certain amendments set forth in this Chapter, the following California Building Standards Codes (California Code of Regulations, Title 24) and uniform codes:

1. The California Building Code, 2010 Edition, Volumes 1 and 2 (California Code of Regulations, Title 24, Part 2) including appendix J; incorporating and amending the 2009 International Building Code as published by the International Code Council;
2. The California Residential Code, 2010 Edition (California Code of Regulations, Title 24, Part 2.5; incorporating and amending the 2009 International Residential Code published by the International Code Council);
3. The California Electrical Code, 2010 Edition (California Code of Regulations, Title 24, Part 3; incorporating and amending the 2008 National Electrical Code published by the National Fire Protection Agency);
4. The California Mechanical Code, 2010 Edition (California Code of Regulations, Title 24, Part 4; incorporating and amending the 2009 Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials);
5. The California Plumbing Code, 2010 Edition (California Code of Regulations, Title 24, Part 5; incorporating and amending the 2009 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials);
6. The California Existing Building Code, 2010 Edition (California Code of Regulations, Title 24, Part 10, based on the 2009 International Existing Building Code published by the International Code Council);

7. The California Green Building Standards Code 2010 Edition (California Code of Regulations, Title 24, Part 11, published by the California Building Standards Commission.);

8. The Uniform Swimming Pool, Spa and Hot Tub Code, 2009 Edition (published by the International Association of Plumbing and Mechanical Officials);

9. The Uniform Housing Code, 1997 Edition (published by the International Conference of Building Officials).

At least one copy of each code has been filed in the Office of the City Clerk and each is incorporated herein by reference as though set forth in full, shall be the standards, provisions, and conditions to be observed and followed in the regulation and control of design, construction, quality, and materials, use, and occupancy, location and maintenance of all buildings, structures, and certain equipment regulated by this Chapter within the City of Azusa. In the event there is any inconsistency between the provisions of the codes and modifications adopted by this Chapter, and other provisions of the Azusa Municipal Code, then the more restrictive provision with respect to building regulations shall apply."

SECTION 3. Section 14-4 of the Azusa Municipal Code is hereby amended to read as follows:

"Sec. 14-4. Reinspection fees; plan review fees; expiration of applications and permits, renewal fees;

(a) Reinspection fees shall be subject to the following:

(1) A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when required corrections have not been made.

(2) Re-inspection fees may be assessed when the approved plans are not readily available to the inspector or for failure to provide access on the date for which inspection is required or for deviating from plans requiring the approval of the building official.

(3) To obtain re-inspection, the applicant, if a re-inspection fee is required by the building official, shall pay the re-inspection fee set forth in the fee schedule resolution and request a re-inspection.

(4) This subsection is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for inspection or re-inspection.

- (b) When a plan or other data are required to be submitted for plan review, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees shall be as set forth in the fee schedule resolution. The plan review fees specified in this section are separate fees from the permit and issuance fees. When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged as set forth in the fee schedule resolution.
- (c) Applications for which no permits are issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant, in writing, for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once unless deemed necessary by the building official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.
- (d) Every permit issued shall expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. If the suspension or abandonment exceeds one year, a full permit fee shall be required to renew the permit. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once unless deemed necessary by the building official.
- (e) Whenever any work for which a permit is required by this chapter has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. A special investigation fee shall be collected prior to the issuance of a permit. The investigation fee shall be equal to the amount of the permit fee that would be required by this chapter if a permit were to be issued and shall be in addition to the permit fee if a permit is required. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this chapter nor from any penalty prescribed by law.
- (f) Refunding of fees shall be subject to the following:
- (1) The building official shall authorize the refunding of any fee paid under this section which was erroneously paid or collected.
 - (2) The building official may authorize the refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this chapter.

(3) The building official may authorize the refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan review effort has been expended.

(4) The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

(g) This section shall apply to all codes adopted by section 14-1.”

SECTION 4. Section 14-51 of the Azusa Municipal Code is hereby amended to read as follows:

"Sec. 14-51. Building Code – Generally.

The California Building Code, 2010 Edition, as adopted by Section 14-1, is amended, added to or modified as set out in this division. If there is any inconsistency between the provisions of the California Building Code, as adopted, and the modifications adopted by this division and other provisions of this Code, the more restrictive provision with respect to building regulations shall apply."

SECTION 5. Section 14-53 of the Azusa Municipal Code is hereby amended in its entirety to read as follows:

"Sec. 14-53. Roof Covering Classifications.

Table 1505.1 of the 2010 California Building Code is hereby amended, in its entirety, to read as follows:

**TABLE 1505.1
MINIMUM ROOF COVERING CLASSIFICATIONS
FOR TYPES OF CONSTRUCTIONS**

1A	1B	11A	11B	111A	111B	1V	VA	VB
B	B	B	B	B	B	B	B	B

SECTION 6. Section 14-55 of the Azusa Municipal Code is hereby amended in its entirety to read as follows:

"Sec. 14-55. Roof Coverings in All Other Areas.

Section 1505.1.3 of the 2010 California Building Code is hereby amended to read as follows:

1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 20 percent of the total roof area is replaced within any one year period, the entire roof covering of

every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is a least class B.

Exception: Class C roof coverings may be installed on patios with less than 300 square feet in roof area.”

SECTION 7. Section 14-57 of the Azusa Municipal Code is hereby amended in its entirety to read as follows:

“Sec. 14-57. Flashings.

Section 1507.2.9 of the 2010 California Building Code is hereby amended by adding Section 1507.2.9.5 to read as follows:

507.2.9.5 Flashing Protection. Any attic vents, ventilators, ventilation turbines, or dormer vents shall be painted the same color as the roof covering it is penetrating or surrounding unless deemed not necessary by the Building Official.”

SECTION 8. Section 14-62 is hereby added to the Azusa Municipal Code to read as follows:

“Sec. 14-62. Pool Barriers – Private Swimming Pools.

Sections 3409.4.4.1 and 3109.4.4.2 of the 2010 California Building Code are amended to read as follows:

Section 3109.4.4.1 is amended by adding the following definition:

PRIVATE POOL means any constructed pool, permanent or portable, which is intended for non-commercial use as a swimming pool by not more than three owner families and their guests.

Section 3109.4.4.2 is amended by deleting the first paragraph in its entirety and substituting a new paragraph to read as follows:

3109.4.4.2 Construction permit; safety features required. Commencing, January 1, 1998 except as provided in Section 3109.4.4.5, whenever a construction permit is issued for construction of a new private pool at a residence, it shall have an enclosure complying with Section 3109.4.4.3 and it shall be equipped with at least one of the following safety features:”

SECTION 9. Section 14-64 is hereby added to the Azusa Municipal Code to read as follows:

“Sec. 14-64. Amendment to Appendix J.

Appendix J as adopted in Section 14-01 of this Chapter shall be amended to read as follows:

Throughout Appendix J where the word "Building Official" appears it shall be amended to read "City Engineer”.

SECTION 10. Section 14-69 of the Azusa Municipal Code is hereby added to read as follows:

“Sec. 14-69. Roof Coverings in All Other Areas.

Section R902.1.3 of the 2010 California Residential Code is hereby amended to read as follows:

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 20 percent of the total roof area is replaced within any one year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is a least class B.

Exception: Class C roof coverings may be installed on patios with less than 300 square feet in roof area”

SECTION 11. Section 14-201 Azusa Municipal Code is hereby amended to read as follows: and Section 14-202 is hereby amended to read as follows:

“Sec. 14-201. Uniform Housing Code – Generally.

The Uniform Housing Code, as adopted in section 14-1, is amended, added to or modified as set out in this division. If there is any inconsistency between the provisions of the Uniform Housing Code, as adopted, and the modifications adopted by this division and other provisions of this Code, the more restrictive provision with respect to sign regulations shall apply.”

SECTION 12. Section 14-202 Azusa Municipal Code is hereby amended to read as follows:

“Sec. 14-202. Uniform Housing Code – Amended.

All sections of the Uniform Housing Code are deleted except Chapters 4, 5, 6 and Sections 701.2 and 701.3.”

SECTION 13. Section 14-58 of the Azusa Municipal Code is hereby repealed.

SECTION 14. Section 14-59 of the Azusa Municipal Code is hereby repealed.

SECTION 15. Section 14-60 of the Azusa Municipal Code is hereby repealed.

SECTION 16. Section 14-61 of the Azusa Municipal Code is hereby repealed.

SECTION 17. Section 14-63 of the Azusa Municipal Code is hereby repealed.

SECTION 18. Section 14-65 of the Azusa Municipal Code is hereby repealed

SECTION 19. Section 14-66 of the Azusa Municipal Code is hereby repealed

SECTION 20. Section 14-67 of the Azusa Municipal Code is hereby repealed

SECTION 21. Section 14-68 of the Azusa Municipal Code is hereby repealed

SECTION 22. Prior Ordinances Repealed. Upon the effective date of this Ordinance, all former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance of the codes herein adopted by reference including, but not limited to, Ordinance No. 07-013 and any other ordinance in conflict herewith are hereby repealed and declared to be of no further force and effect.

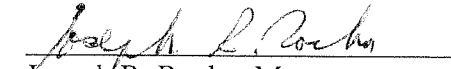
SECTION 23. CEQA. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment. This ordinance would set forth new construction code requirements, which are required to be implemented by state law, and any specific development projects that would be subject to the requirements of these new regulations, would require separate environmental review. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption with the Los Angeles County Clerk's office within five (5) working days of project approval.

SECTION 24. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.


SECTION 25. Certification/Summary. The City Clerk shall certify the passage of this ordinance and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local weekly newspaper of general circulation and which is hereby designated for that purpose. Alternatively, the City Clerk may cause a summary of this Ordinance to be prepared and published as provided by California Government Code § 36933 (c)(1). The summary shall be published in a local weekly newspaper of general circulation and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published in a local weekly newspaper of general circulation with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance.

SECTION 26. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage or on January 1, 2011, whichever is later.

PASSED, APPROVED AND ADOPTED this 15 day of November, 2010.


Joseph R. Rocha, Mayor

Attest:


Vera Mendoza, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.
CITY OF AZUSA)

I Vera Mendoza, City Clerk of the City of Azusa hereby certify that the foregoing Ordinance No. 10-07 was duly introduced and placed upon its first reading at a regular meeting of the City Council of the City of Azusa held on the 1ST day of November, 2010, and that thereafter, said ordinance was duly adopted and passed at a regular meeting of November 15, 2010, by the following vote of the Council:

AYES:	COUNCIL MEMBERS: GONZALES, CARRILLO, MACIAS, ROCHA
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: HANKS
ABSTAIN:	COUNCIL MEMBERS: NONE


Best, Best & Krieger LLP
City Attorney